

**Date:** Monday, September 13, 2010 9:59 AM

**From:** [REDACTED]

**To:** wooden-aguilar.helena@epa.gov

**Subject:** Personnel complaint

Thank you for your recent communication sent by registered mail. I appreciate your taking time to review my complaint. I will forward substantiating documentation to you under separate cover.

When I filed my original complaint with the Arizona State Personnel Board, I observed the protocol of naming my immediate supervisor, Mike Clark. I was told by Robert Rocha that he had made this recommendation. I have since that time learned this is not true. In fact, at the time I was packing my desk, Mr. Clark was quite amazed and expressed regret that I was leaving. In tumultuous times, it is hard to discern who is telling the truth. So please omit Mr. Clark from your investigation.

This does not change the pertinent facts of the matter, however. I reported outside activities of one of my staff, Brandon Loftin, to Mr. Rocha, HR, as well as Mr. Clark when Mr. Loftin would not cease his business activities during work hours. Mr. Rocha and I had an acrimonious conversation about me doing a performance review on Mr. Loftin. Mr. Loftin and I were both 'uncovered' employees, which was suppose to be an advantage because we received higher benefits, less restrictive hours and were not required to have reviews. We were, of course, always at risk of losing our jobs without cause. I never had a review in seven years I worked for the agency.

So the opportunity to get rid of people arises due to the state's budget problems. Why am I picked over a person who is unethical and abusing work rules? Mr. Loftin made about \$3-4,000 less than me so it was not on the basis of salary. Moreover, I supervised five people. Those people now have no supervisor because my job as Manager cannot be filled, given that it was for budget savings I was laid off. Mr. Clark, who is CFO, can sign their time sheets but he will not be doing reviews as this question came up a few years ago when we lost our Accounts Receivable person for several months. This is another reason why I am sure Mr. Clark never made the recommendation to lay me off because he would inherit my work on top of his other duties.

In the package I am sending you I will include an email I received stating that Mr. Rocha added me at the last minute to the list of those being laid off on March 30, 2010. I will also include Mr. Loftin's web sites that indicate he opened another business after being advised not to conduct the two he already had during work hours. He also subsequently ran for Constable in Glendale, Arizona but lost in the primary August 24, 2010. He is clearly not someone dedicated to state government service.

I have been damaged by Mr. Rocha's retaliation against me. [REDACTED] and will not be able to return to state government employment anytime soon due to the economic situation. He knew very well that he was ruining my career when he laid me off which was his purpose.

I am also sending you my resume so you will see I am a professional person with more education than most in state government. These are the people who process EPA money for the state so it is not a trivial matter when they are not honest.

Thank you.

[REDACTED]

To: Arizona State Personnel Board

From: [REDACTED]

Date: April 6, 2010

Re: ARS 38-532-Whistleblower complaint against Messrs. Michael Clark and Robert Rocha, ADEQ

I am filing a whistleblower complaint against Mr. Robert Rocha at the Arizona Department of Environmental Quality pursuant to ARS 32-538.

I contend my dismissal on March 31, 2010 was a direct result of reporting the behavior of a staff member who was engaged in private business enterprises during work hours. The person's name is Brandon Loftin who was one of my direct reports. I did not hire him nor did I participate in the interviews that brought him to the agency.

Mr. Loftin replaced me as Accounts Payable Supervisor when I was promoted to Manager of the General Accounting Unit in April, 2007. He is an uncovered employee as was I. He had no prior state service and no background in accounting. I was told that he was in the process of selling his UPS business. As the economy deteriorated, however, he could not sell the store. In the beginning of 2008, I overheard him discussing real estate. He had a deal with a bank to secure foreclosed homes and sell them for a fixed commission. It was then I learned he had a real estate license and was engaged in this business as well as the UPS Store. I immediately told my supervisor, Mike Clark. I also spoke to the HR Director, Dan Flukas, in February, 2008.

I started keeping a diary of Mr. Loftin's absences and activities. When it came time to do the annual PASE's, I had a very acrimonious discussion with Mr. Rocha about doing one for Mr. Loftin. As an uncovered employee, I had never had a PASE done on me and challenged why I should do one on Mr. Loftin whose status was exactly the same as mine. I told Mr. Rocha I could not write positively about Mr. Loftin. I complained vehemently about Mr. Loftin's conduct and told him further that I did not understand why he was allowed to continue with his business activities. By now, it was clear that everyone in upper management knew about his outside enterprises and did nothing to put a stop to it.

After the meeting with Mr. Rocha, I sought advice from my previous supervisor, Don States, who no longer works at ADEQ. I spoke to Mr. Loftin before we started year-end closing in 2008 and told him he needed stop his outside activities and focus on his work at the agency. We got through year-end and I continued to keep notes on his behavior albeit intermittently. I was pretty discouraged that anything would ever come of my complaints and I was afraid of losing my job if I continued to complain about Mr. Loftin.

The work of the Accounts Payable unit declined as the state budget problems began impacting the agency. People in AP had less and less to do. Mr. Loftin was handing in one claim a day whereas the volume when I had that job was 5-10 claims. We ended up assigning one of the accountants to help the Collector clean up delinquent accounts. The Accounts Receivable unit remained vigorous, however.

It became clear to me that when layoffs were made, either I or Mr. Loftin would be targeted because our jobs had become redundant. I was chosen in spite of the fact that I had worked in the unit for seven years and I have a Master's Degree in Finance from George Mason University in Virginia. I managed my unit in a professional and conscientious manner. I could perform all of the jobs in Accounts Payable and had recently taken over part of an auditor's job because she retired in December, 2009. The unit ran like a well oiled machine as everyone performed their duties with knowledge and alacrity. I am female and almost 64 years old, two years away from my normal retirement age of 66.

Yet a man in his forties with no academic background in finance who continually abused the rules by working on outside enterprises was chosen to continue in the general accounting group. It is not a wise or logical choice. I can only conclude that it was made in retribution for my complaints about Mr. Loftin's conduct. Mr. Loftin was allowed to operate with impunity that no one else in his position would have been able to get away with.

If you agree that Mr. Rocha acted in the state's best interest in keeping Mr. Loftin and laying me off, you will reject my complaint. On the other hand, if you find pause with this choice, you will fine Mr. Rocha. I do not want my job back because I do not trust the agency's management team. Instead, I request an award for the loss of my salary and benefits until my normal retirement age of 66.

Please find attached a time line of Mr. Loftin's activities and a Code of Conduct posted in the General Accounting Unit after my complaint to Mr. Rocha.

Thank you.

Brandon Time Line (hours are 7:30-5 w/1/2 hr for lunch)

**2007** April - Brandon starts working at ADEQ

**2008**

2/4/2010 told Dan Flukas about Brandon's business activities.

2/5/2010 Overheard him say he was going to the UPS store. Left 11:30 back at 1:30pm

2/8/2010 Heard him working on rental showing with Casma.

2/12/2008 Left @ 11:30 -1:00 pm- real estate for Casma.

2/13/2008 Gone 11: - 12:30 pm then 12:45-3:00 pm.

21-Apr Lunch 11:30-1:00 pm

22-Apr Dentist at 10:30 am; arrived at 12:24 pm

23-Apr Lunch 11:15-? Not back at 11:55 when I went to lunch

24-Apr Disappears @ 10:45-1:00 pm Overheard conversation abo ; disappears @ 2:00 pm, back @ 3:30 pm

29-Apr Showing eal estate on line t nother employee I do not know.

1-May Back at 12:55, don't know when he left as I was in a meeting.

2-May Left @ 11:10, don't know when he got back as I had a meeting.

5-May Overheard business calls and 20 minutes consulting with re client(state employee I do not know) w); Lunch - I hr exactly

8-May Lunch 1 hr exactly

14-May Lunch 11:30-12:45

20-May Call re contract on a house. Hear stamping. What does he stamp all day?

21-May Lunch 10:30-12

end of May Had meeting with Brandon sometime before year-end about his behavior.

Don Stat es, my former supervisor, helped me prepare for this meeting.

Met w/Bob Rocha about PASES and told him about Brandon's activities.

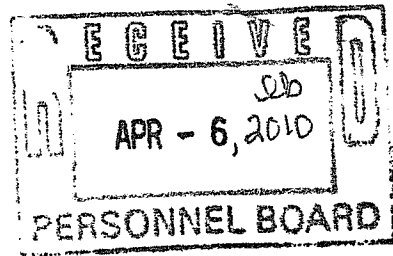
**2009**

5-Jan Didn't mail the mail and didn't tell me he was taking off.

6-Jan Late 35 minutes

18-Feb Found he's giving wrong advice to staff about clearing batches I already cleared.

23-Feb At some point in this time frame, I had a long talk with Mike Clark about Brandon's behavior.



To: Arizona State Personnel Board

From: [REDACTED]

Date: April 6, 2010

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Mr. Loftin replaced me as Accounts Payable Supervisor when I was promoted to Manager of the General Accounting Unit in April, 2007. He is an uncovered employee as was I. He had no prior state service and no background in accounting. I was told that he was in the process of selling his UPS business. As the economy deteriorated, however, he could not sell the store. In the beginning of 2008, I overheard him discussing real estate. He had a deal with a bank to secure foreclosed homes and sell them for a fixed commission. It was then I learned he had a real estate license and was engaged in this business as well as the UPS Store. I immediately told Mr. Clark who was my direct supervisor. I also spoke to the HR Director, Dan Flukas, in February, 2008.

I started keeping a diary of Mr. Loftin's absences and activities. When it came time to do the annual PASE's, I had a very acrimonious discussion with Mr. Rocha about doing one for Mr. Loftin. As an uncovered employee, I had never had a PASE done on me and challenged why I should do one on Mr. Loftin whose status was exactly the same as mine. I told Mr. Rocha I could not write positively about Mr. Loftin. I complained vehemently about Mr. Loftin's conduct and told him further that I did not understand why he was allowed to continue with his business activities. By now, it was clear that everyone in upper management knew about his outside enterprises and did nothing to put a stop to it.

After the meeting with Mr. Rocha, I sought advice from my previous supervisor, Don States, who no longer works at ADEQ. I spoke to Mr. Loftin before we started year-end closing in 2008 and told him he needed stop his outside activities and focus on his work at the agency. We got through year-end and I continued to keep notes on his behavior albeit intermittently. I was pretty discouraged that anything would ever come of my complaints and I was afraid of losing my job if I continued to complain about Mr. Loftin.

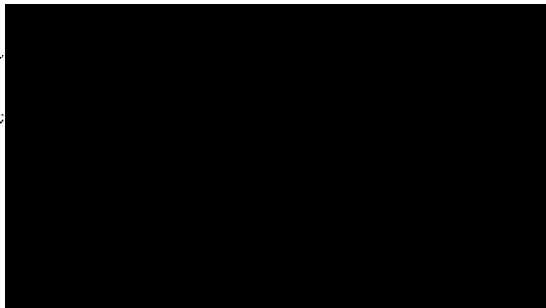
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It became clear to me that when layoffs were made, the Accounts Payable unit would be targeted. I was chosen in spite of the fact that I had worked in the unit for seven years and I have a Master's Degree in Finance from George Mason University in Virginia. I managed my unit in a professional and conscientious manner. I could perform all of the jobs in Accounts Payable and had recently taken over part of an auditor's job because she retired in December, 2009. The unit ran like a well oiled machine except where Mr. Loftin was concerned. Everyone one else performed their duties with accuracy, knowledge and alacrity. I am female and almost 64 years old, two years away from my normal retirement age of 66.

Yet a man in his forties with no academic background in finance who continually abused the rules by working on outside enterprises was chosen to continue in the general accounting group. It is not a wise or logical choice. I believe it fits the definition of "Mismanagement, a gross waste of monies or an abuse of authority." I can only conclude that it was made in retribution for my complaints about Mr. Loftin's conduct. Mr. Loftin was allowed to operate with impunity that no one else in his position would have been able to get away with.

If you agree that Messrs. Clark and Rocha acted in the state's best interest in keeping Mr. Loftin and laying me off, you will reject my complaint. On the other hand, if you find pause with their choice, you will impose the maximum allowable penalty fine on both Mr. Clark and Mr. Rocha. I do not want my job back because I do not trust the agency's management team. Instead, I request an award for the loss of my salary and benefits until my normal retirement age of 66.

Please find attached a time line of Mr. Loftin's activities and a Code of Conduct posted in the General Accounting Unit after my complaint to Mr. Rocha.



**Statement before the Arizona Personnel Board, July 14, 2010**

**By** [REDACTED]

Thank you for taking time to hear my case in spite of the recommendation that it be dismissed because I did not file all the proper paperwork for a whistleblower complaint.

You have read my initial filing and therefore know that the facts are simple: I told my superiors at ADEQ that one of my direct reports, Mr. Loftin, was spending considerable state time on his outside enterprises. This news was not met with any action and the activities of Mr. Loftin continued. I quickly realized that if I complained further, I would be in danger of losing my job. Which is precisely what occurred.

Why was I dismissed instead of Mr. Loftin? We were both uncovered employees, easily let go without explanation. However, I was clearly the more qualified choice: I have nine years of state service and a Master's Degree in Finance. I have been doing all of the functions in the General Accounting Unit for three years as its Manager. Moreover, I was not engaged in any outside enterprises at work.

[REDACTED] two years away from my normal retirement date. My career has been cut short by this mean and callous action that has no basis in work performance. I doubt even that the difference in Mr. Loftin's salary and mine could significantly impact ADEQ's budget.

I was arbitrarily laid off for speaking out about unethical behavior in my unit. I do not want my job back because I cannot trust management at

ADEQ. Nevertheless, I have suffered financial damage. That is why I am requesting compensation for the loss of my salary and benefits until my normal retirement date in 2012.

Thank you.





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## PROFESSIONAL SUMMARY

Highly motivated and experienced professional with a background in government accounting processes. Ability to handle multiple responsibilities, set priorities and communicate ideas to others. Attentive to detail and resourceful with a can-do attitude. Proficient in effectively organizing and handling a wide variety of tasks and projects.

## PROFESSIONAL HISTORY

**Arizona Department of Environmental Quality, Phoenix, AZ**  
***Manager, General Accounting Group***

**04/07 - 03/10**

- Supervised Accounts Payable and Accounts Receivable units.
- Supervised Collections and regulatory tax collection units.
- Billed \$114 million in fees for environmental protection fees.
- Evaluated staff; processed confidential personnel issues, such as hiring, promotions, and employee discipline.
- Prepared confidential reports, written correspondence and Monitoring Reports as required.
- Attended department sponsored meetings, training and seminars to stay current on department and section policies.
- Supervised diverse staff of twelve to fifteen employees.

**Arizona Department of Environmental Quality, Phoenix, AZ**  
***Accounts Payable Supervisor***

**04/03 - 04/07**

- Reviewed and processed claims using state accounting system (AFIS).
- Entered bill payments in agency tracking system (AZURITE).
- Supervised staff of six employees.

**Georgetown University, Washington, DC**  
***Administrative Assistant***

**09/01 - 02/02**

- Handled office administration for Classics Department, Sr. Vice President's office, English scholars program and Center for Latin American Studies (CLAS).
- Scheduled appointments and set up meetings.
- Coordinated speaker's events.
- Supervised Work-Study intern.

**The MONY Group (Mutual of New York companies), Phoenix, AZ**  
***Account Executive***

**05/98 - 06/99**

- Licensed insurance and securities agent (Series 6 & 63) in Arizona and New Jersey.
- Marketed mutual funds and other investment services as well as insurance products to the public including life, health and disability policies.
- Designed financial investment plans for individuals.

**Arizona Department of Commerce, Phoenix, AZ**  
***Program Coordinator***

**09/95 - 01/98**

- Liaison to organizations created by NAFTA, the Border Environment Cooperation Commission (BECC) and the North American Development Bank (NADBank).
- Provided technical assistance to city personnel to aid in developing environmental infrastructure.
- Coordinated program activities with other state, federal and local agencies.
- Performed strategic planning for border program goals, timelines and quantified results.

**EDUCATION**

MA International Finance  
George Mason University, Fairfax, VA  
Budapest University of Economic Sciences, Summer Semester

BA French  
The American University, Washington, DC  
Université de Dijon, France, Junior Year



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## **ADDITIONAL PROFESSIONAL EXPERIENCE**

**Jerry Cox, Esq., Washington, DC**  
***Government Affairs Consultant***

**01/94 - 11/94**

- Advocated legislation in the U.S. Congress on behalf of several clients regarding auto safety legislation.
- Monitored and tracked legislative proposals and researched issues.
- Organized grassroots contacts.

**House Banking, Finance & Urban Affairs Committee, General Oversight Subcommittee, Washington, DC**  
***Professional Staff***

**09/89 - 06/90**

- Developed and managed General Oversight Subcommittee hearing agenda, which examined housing and banking policy issues and investigated Members' specific program concerns.
- Researched issues and selected witnesses; wrote questions for Chairman.
- Prepared briefing materials and Chairman's speeches and statements.
- Supervised subcommittee support staff.

**Mt. Vernon Realty, Arlington, VA**  
***Realtor***

**09/85 - 09/90**

- Full and part-time position marketing and selling over \$4 million worth of real estate in Northern Virginia.
- Completed 100 hours of company mortgage finance and sales training.

**Albers & Co., Washington, DC**  
***Lobbyist***

**02/87 - 02/88**

- Lobbied multiple state legislatures for a retailer regarding credit card disclosure laws.
- Made visits to legislative staff of relevant elected officials in state legislatures and U.S. Congress to impart client's position on pending bills.
- Prepared senior executives for committee hearings in multiple venues.
- Wrote talking points and testimony for company executives.
- Monitored progress of legislation in numerous state legislatures and the U.S. Congress.
- Participated in industry coalition meetings to develop legislative strategy.

**Senator Thomas F. Eagleton (D-MO), Washington, DC**  
***Legislative Assistant***

**04/77 - 01/87**

- Drafted and managed three bills that became law.
- Staff advisor for state infrastructure projects.
- Analyzed budgets and handled annual appropriations bills for multiple Federal agencies that contained funds for state projects.
- Wrote speeches, testimony, floor statements, committee reports, press releases, decision memos and legislation regarding state projects.
- Processed grant and loan requests for federal aid from municipalities, individuals and non-profit organizations.
- Responded to constituent inquiries on a wide variety of issues related to state projects and federal assistance programs.
- Represented the Senator at meetings and functions involving project sponsors.
- Supervised secretarial support.

**YOUR ESTIMATED TOTAL COMPENSATION**

Based on your current pay rate

(Information is updated every Friday of a pay week)

	State of Arizona Cost	Your Cost
<b>Cash Compensation</b>		
Base Pay (Does not include periodic overtime or stipend pay)	\$46,266.48	
Performance Pay	\$1,272.33	
<b>Cash Compensation Total</b>	<b>\$47,538.81</b>	
<b>Benefits</b>		
Medical (Health, Dental, Vision)	\$5,867.52	\$884.28
Basic Life/Ad&D	\$23.40	\$ 0.00
Long Term Disability (LTD)	\$190.16	\$190.16
Retirement (ASRS, PSPRS, CORP)	\$4,278.49	\$4,278.49
Social Security (FICA)	\$2,947.41	\$2,947.41
Medicare	\$689.31	\$689.31
Unemployment Insurance (SUTA)	\$71.31	\$ 0.00
Workers Compensation	\$291.94	\$ 0.00
<b>Benefits Total</b>	<b>\$14,359.54</b>	<b>\$8,989.65</b>
<b>Total Annual Compensation</b>	<b>\$61,898.35</b>	

Time-Off Category	Days per Year 1 (Based on current accrual rate)	State of Arizona Cost 2
State Holidays	10	\$1,828.42
Vacation Time	21	\$3,844.70
Sick Leave	12	\$2,198.67
<b>Total Value of Paid Time-off</b>		<b>\$7,871.79</b>

1=Rounded to the nearest full day

2=Value calculated using current hourly rate

**NOTE:** If you are employed in an agency outside the ADOA Personnel System, your vacation time/sick leave may indicate 0. Please contact your Human Resources office for specific information.

X2 = \$123,797.